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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,837	10/24/2003	James A. Gavney JR.	JAG-00113	9227
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HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086			EXAMINER CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/692,837

**Applicant(s)**

GAVNEY ET AL.

**Examiner**

Randall Chin

**Art Unit**

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005 and 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6,7,12-14,16,17,19-21 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,12-14,16,19-21 and 25-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09162005</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. In view of the amendment to claim 12 (originally withdrawn) filed 26 August 2005, claims 12, 13, 14, 16 and 19 will now be examined since these claims read on the elected species of Figs. 1B and 5A.

However, claim 17 is being withdrawn from consideration since claim 17 recites that the elongated squeegee walls (of the first region 131) are "surrounded by" at least a portion of the bristles which is not disclosed for the elected species of Figs. 1B and 5A.

### *Claim Objections*

2. Claims 7, 20, 25 and 28 are objected to because of the following informalities:

Claim 7 is **redundant** of that already recited in claim 2.

Claim 20, lines 4 and 6, "the motorized handle" lacks antecedent basis.

Claim 25, line 4, "second wiping section" should read --second wiping region-- for consistency.

Claim 28, line 10, "a motorized handle" should be positively recited for completeness.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 1744

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Shipp '951.

As for claim 1, Shipp '951 teaches in Figs. 1 and 2 a device 10 comprising a cleaning head 14, the cleaning head comprising a first region with a first squeegee element merely defined by prophylactic cup 18 with elongated walls that protrude to form an elongated wiping edge (i.e., the top which can be seen in side view in Fig. 2) configured to treat a working surface, the first region being configured to move (and also **capable of moving**) in a first direction, and a second region with bristles 28 configured to simultaneously treat the working surface, wherein the second region is configured to move "separately" from the first region. Clearly, the second region is still "configured to move separately from the first region in a second direction that is **different** from the first direction", **especially with the proper hand manipulation by a user, and even absent any motorized arrangement**. To the extent as to what exactly constitutes a "first region" and a "second region", Shipp '951 meets claim 1. Further, the addition of the term "separately" here fails to define over Shipp '951.

As for claim 3, to the extent as to what would define or distinguish a "first region" from a "second region", Shipp's Fig. 1 can be also be said to show the **first region** comprising bristles since claims 1 or 3 sets forth no particular boundaries between the "first region" and the "second region."

As for claim 4, the at least one of the first region and second region is configured to rotate or oscillate by a user's own manipulation of the device.

Art Unit: 1744

As for claim 6, the elongated walls of the first squeegee element 18 “encircles” an inner squeegee region since in plan view, first squeegee element 18 is somewhat oval in shape.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-4, 6, 7, 31 and 32 are rejected under 35 U.S.C. 102(a) as being anticipated by Great Britain 2 371 217 (hereinafter GB ‘217).

As for claim 1, GB ‘217 teaches in Figs. 3 and 4 a device comprising a cleaning head 13, the cleaning head comprising a “first region” with a first squeegee element 23 with elongated walls that protrude to form an elongated wiping edge configured to treat a working surface, the first region being configured to move in a first direction, and a “second region” with bristles 19 configured to simultaneously treat the working surface, wherein the second region is configured to move “separately” from the first region in a second direction that is different from the first direction. Clearly, the second region is still “configured to move separately” from the first region, **especially with the proper hand manipulation by a user, and even absent any motorized arrangement**. Note, that a “first region” and “second region” can merely be at **opposite/different locations** on head 13. Claim 1 never requires there to be any structural distinction for the recited “first region” and “second region” nor does claim 1 ever require any type of motor or motorized driving arrangement to cause the separate movement. To the extent as to what exactly constitutes a “first region” and a “second region”, GB ‘217 meets claim 1. Further, the addition of the term “separately” here fails to define over GB ‘217.

As for claims 2 and 7, the second region further comprises a second squeegee element 23 at an **opposite/different location** on head 13.

As for claim 3, the first region further comprises bristles 19.

As for claim 4, the at least one of the first region and second region is configured to rotate or oscillate (p. 1, lines 5-9).

As for claim 6, the elongated walls of the first squeegee element 23 comprises a "squeegee wall" 23 partially encircles an "inner (merely a relative term) squeegee region."

As for claim 31, GB '217 teaches an electric toothbrush in Figs. 3 and 4 with a cleaning head 13, the cleaning head comprising a "first region" with a "continuous" (at least continuous for it's length) squeegee element 23 that at least partially encircles a portion of the first region, wherein the first region is coupled to a drive mechanism for automatically rotating or oscillating the first region (p. 1, lines 5-9), and bristles (the five central/middle ones shown in Figs. 3 or 4) protruding from a "second region" that is "separate" from the first region, wherein the bristles can be said to at least partially "surround" at least a portion of the continuous squeegee element 23, and wherein the second region is configured to rotate or oscillate. Note, that a "first region" and "second region" can merely be at **opposite/different locations** on head 13. Claim 31 never requires there to be any structural distinction for the recited "first region" and "second region"

As for claim 32, there are also bristles 19 (i.e., bristles **within** a concave portion of a squeegee element 23 as shown in Figs. 3 or 4, for example) protruding from the portion of the first region that is encircled by this continuous squeegee element 23.

6. Claims 20 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsang 6,032,313 (hereinafter Tsang '313).

Tsang '313 teaches with respect to claim 20, a cleaning device in Fig. 7 comprising a cleaning head which appears to be detachable comprising a first section configured to automatically rotate or oscillate while coupled to "a" motorized handle 39, 40, and a second section surrounding the first section configured to automatically rotate or oscillate while coupled to "a" motorized handle 39, 40, wherein the second section is configured to automatically rotate or oscillate in a direction that is different (see arrows of Fig. 7) from that of the first section, and wherein both the first and second sections each comprise a "squeegee" wiping element 45, 46.

As for claim 28, Tsang '313 teaches a device comprising a cleaning head, the cleaning head comprising a first region with a first "squeegee element" 45 comprising a continuous wiping edge configured to treat a working surface, the first region being configured to move, and a second region with a second "squeegee" element 46 configured to simultaneously treat the working surface, wherein at least one of the first region and the second region is configured to "automatically move independently and separately of the other of the first region and the second region" (Fig. 7) while the cleaning head is coupled to "a" motorized handle 39, 40 (although never positively recited).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsang '313 in view of Armbruster '605 (hereinafter Armbruster '605).

Tsang '313 teaches all of the recited subject matter as shown in Fig. 7 with the exception of the device further comprising bristles. Armbruster '605 teaches the concept of utilizing both a sponge (i.e., squeegee) and bristles in combination for a cleaning disc device (col. 8, lines 13-17). It would have been obvious to one of ordinary skill in the art to have modified Tsang's cleaning device such that the device further comprises bristles as suggested by Armbruster '605 for improving the abrasive scrubbing power of the cleaning device.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claim 25 is rejected under 35 U.S.C. 102(e) as being anticipated by Braun 2004/0154112 (hereinafter Braun '112).

Braun '112 discloses in the Fig. 1 embodiment, for example, a device comprising a cleaning support or head 16 comprising a "first wiping region" defined just by the



bristles 18 and “second wiping region” defined by cup member 20, wherein the “first wiping region” surrounds the “second wiping region” 20 and the “first wiping region” and the “second wiping region” are configured to “move automatically and separately from each other” (paragraph [0030]), wherein at least one of the “first wiping region” and the “second wiping region” comprises a squeegee element formed by cup member 20 with elongated walls that protrude to form a top wiping edge (Fig. 1) and at least one of the “first wiping region” and the “second wiping region” comprises bristles 18. Bristles can also perform a “wiping” function.

10. Claims 1-4, 6, 7, 26-30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Eliav 2003/0196283 (hereinafter Eliav ‘283).

As for claim 1, Eliav ‘283 teaches in Fig. 3, for example, a device 100 comprising a cleaning head 120, the cleaning head comprising a first region 132 with a first squeegee element 340 with elongated walls that protrude to form an elongated wiping edge configured to treat a working surface, the first region being configured to move in a first direction, and a second region 180 with bristles 152 configured to simultaneously treat the working surface, wherein the second region is configured to move “separately” from the first region.

As for claims 2 and 7, the second region 180 can further comprise a second squeegee element (see paragraph [0052] which teaches that the bristles 152 of “second” region 180 can include “a combination of any of the aforementioned tooth care elements”).

As for claim 3, the first region 132 further comprises bristles 152.

As for claim 4, the at least one of the first region and second region is configured to rotate or oscillate.

As for claim 6, the elongated walls of the first squeegee element 340 “encircles” an inner squeegee region.

With respect to claim 26, Eliav '283 teaches in the Fig. 3 embodiment, for example, a device 100 comprising a cleaning head 120, the cleaning head comprising a first region 132 with a first squeegee element 340 with an elongated wiping edge and elongated walls and bristles 152 configured to treat a working surface and a second region 180 that is separate from the first region, the second region 180 comprising bristles 152 configured to simultaneously treat the working surface, and means to couple the cleaning head to “a” motorized handle (never positively recited) that automatically moves the first region relative to the second region (paragraphs [0054] and [0055]).

As for claim 27, the second region 180 can further comprise a second squeegee element (see paragraph [0052] which teaches that the bristles 152 of “second” region 180 can include “a combination of any of the aforementioned tooth care elements”).

As for claim 28, Eliav '283 teaches in Fig. 3, for example, a device comprising a cleaning head 120, the cleaning head comprising a first region 132 with a first “squeegee element” 340 comprising a “continuous” wiping edge configured to treat a working surface, the first region being configured to move, and a second region 180 with a second “squeegee” element (see paragraph [0052] as explained above)

Art Unit: 1744

configured to simultaneously treat the working surface, wherein at least one of the first region and the second region is configured to “automatically move independently and separately of the other of the first region and the second region” while the cleaning head is coupled to “a” motorized handle (although never positively recited).

As for claim 29, the first region 132 further comprises bristles 152.

As for claim 30, the second region 180 can further comprises bristles 152 (see paragraph [0052] which teaches that the bristles 152 of “second” region 180 can include “a combination of any of the aforementioned tooth care elements”).

As for claim 33, Eliav '283 teaches in Figs. 12-15, for example, an electric toothbrush with a cleaning head, the cleaning head comprising a first region 132 with a “continuous” squeegee element that “encircles” bristles 152 that protrude from the first region and wherein the first region is configured to rotate (Fig. 15b) and a second region 180 configured to automatically move independently from the first region, the second region comprising at least one of a squeegee, bristle tufts and nodules 152. To the extent as to what Applicant is intending the terms “continuous” and “encircles” to mean, Figs. 12 or 15b shows such claimed features.

11. Claims 12-14, 16 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Fattori 2003/0182746 (hereinafter Fattori '746).

Fattori '746 teaches with respect to claims 12, 14 and 19 a device comprising a motorized cleaning head (Fig. 3), the motorized cleaning head comprising a first region 16 configured to automatically move in a first direction (oscillate as recited in paragraph

Art Unit: 1744

[0014]), the first region comprising a squeegee member with elongated squeegee walls that would protrude to form an elongated wiping edge and bristles that would “flank” the elongated walls, and a second region 24 configured to automatically move in a second direction that is different (i.e., vibrate or oscillate as recited in paragraph [0022]) from the first direction, the second region comprising bristles. See paragraphs [0016] and [0018] which teach that the invention can be practiced with “various combinations of the same or different bristle configurations” and which would include elastomeric fingers or walls).

As for claim 13, the elongated squeegee walls can be sinusoidal and thus curved (paragraph [0016]).

As for claim 16, sinusoidal elastomeric walls can be said to “encircle”, at least partially, a portion of the bristles.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Eliav and Gatzemeyer are relevant to various cleaning device arrangements.

13. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

Art Unit: 1744

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin  
Primary Examiner  
Art Unit 1744